FOR MYSORE STATE

Scott. Old No. II-37. New No. II-18—75.000—21-1-55.

Home (1956) Department

Ms **SERIES.**

G.O. No. 2915

Dated 19.10.56

Passed
SY
M

[Despatch Abstract.]

Subbamma k Smt 147 Govt. Karnam Dr Remarriage Service — Petition to Governor for reinstatement Modification Government ~~Govt~~ Servants Conduct Rules 1966 Rule 8 Age for two years — Ordered

ASST. SECRETARY TO GOVERNMENT
20 AUG 1956
HOME DEPARTMENT

To

His Excellency the Governor of Madras

Madras.

Humble Memorial for reinstatement in service submitted by Ex.P.C.No.147 K. Subbunhi of South Kanara District Executive Police Force.

Respectfully submitted through

The Proper Channel.

May it please Your Excellency,

The Memorialist abovenamed begs to state as follows:-

The memorialist was enlisted as a police constable in the South Kanara district Executive Police Force on 4-3-1944 and he had put in a service of about 8 years on the date of removal from service. The memorialist was ordered to be removed from service by the District Superintendent of Police, South Kanara in P.R.No.191/52 dated 10-12-1952 for conviction under Section 4-A of the Madras Prohibition Act on 5-4-1952 for beingfound in a state of intoxication in a public place on 2-11-1951. The memorialist submitted an appeal to the Deputy Inspector General of Police, against the order of the District Superintendent of Police which was rejected in proceedings C.No.91/Appeal/53 dated 4-3-1953. He submitted a Memorial to the Inspector General of Police, Madras which was also rejected in his proceedings F.O.C.No. 698-A/PR53 dated 1-8-1953. His Memorials to the Covernment and to the Chief Minister were rejected in G.O.R. No. 3822 Home 2-11-1953 and G.O.R.No. 733 Home dated 23-2-56 respectively. Against these orders the memorialist submits this memorial on the following among other grounds:

The facts of the case are briefly as follows:-

The Memorialist was working in Uppinangadi Out-Post of Puttur Police Station. On 8-12-1951 the Prohibition Sub-Inspector, Uppinangadi found the memorialist in a state of intoxication in a public place, arrested him and charged him before the Additional First Class Magistrate (Prohibition) South Kanara. On 5-4-1952 the memorialist was found guilty and sentenced him to pay a fine of Rs.55/- in C.C.No. 1459/51. The said fine was paid by the Memorialist. He did not prefer an appeal against the said conviction to the Higher Courts for want of necessary funds in his straitened circumstances.

The cause of action for removal from service arose on the above conviction and sentence to pay a fine by the Additional First Class Magistrate. The memorialist was given a charge for dismissal or removal from service by the Deputy Superintendent of Police, Puttur Sub-Division. An oral enquiry was held by the Deputy Superintendent of Police and the Memorialist admitted the offence and a Minute holding the charge proved was submitted to the District Superintendent of Police, South Kanara. In Memo. C.No.191/PR/52 dated 10-10-1952 the Memorialist was called on to submit a further representation against removal from service by the by the Deputy Inspector General of Police, Western Range, in charge of South Kanara District. The memorialist submitted him further representation to the Dt.Superintendent of Police and orders of removal from service were passed by the Dt.Superintendent of Police, South Kanara in P.R.No. 191/52 dated 10-12-1952. The memorialist submitted his appeal petition to the Deputy Inspector General of Police, Western Range against the orders of the District Superintendent of Police, South Kanara and it was rejected in his proceedings No.C.91/Appeal/53 dated 4-3-1953. A careful scrutiny of the punishment Roll file and the file relating to the appeal petition of the memorialist the

following irregularities are noticeable.

(a) The further representation against removal from service was called on by the Deputy Inspector General of Police, Western Range. From a reading of this Memorandum it is evident the Deputy Inspector General of Police (Appellate Authority) arrived at a provisional conclusion to inflict the punishment of the removal from service only the authority competent to inflict the punishment i.e. District Superintendent of Police. South Kanara should have arrived at a provisional conclusion to inflict the punishment. The Deputy Inspector General of Police, Western Range who is an appellate authority should not have expressed his candid opinion as to the punishment to be inflicted. This irregularity, the memorialist humbly submits has prejudiced the proper disposal of the appeal petition by the self same authority who had already prejudged the issue by arriving at a provisional conclusion to inflict the punishment of removal from service in his Memo. P.No.191/PR/52 dated 16-10-1952 (attached).

(b) The District Superintendent of Police, South Kanara in ordering the punishment of removal from service not bestowed proper attention to appreciate the points raised in the further representation of the Memorialist and no mention is made of the points deserving consideration or otherwise in para 'E' of the Minute. It is also not been certified in para 'E' of the minute that the procedure laid down in Rule 3(f) of the Madras Police Subordinate Service (Discipline and Appeal Rules) was correctly followed in this case. P.S.O.90 and the instructions thereunder are clear that such a certificate should be appended to the Minute by the competent authority.

(c) The Deputy Inspector General, Western Range who had

K. Subbaiah

already prejudged the issue by arriving at a provisional conclusion to inflict the punishment of removal had not appreciated the points raised in the appeal petition by the memorialist. In his proceedings C.No.91953 dated 4-3-1953 he had rejected the appeal with the observation "The P.C. was convicted and sentenced under the Prohibition Act, He has been correctly removed from service".

The Memorialist had repeatedly pointed out to the authorities concerned the provisions in G.O.Ms.320 Public Services dated 20-1-1950 that the first offence of drunkenness under the Prohibition Act a Government servant need not be necessarily be dismissed. However discretion is vested on the competent authority to consider the merits of each case and decide whether dismissal or lesser punishment should follow such a conviction. The memorialist humbly submits that provisions of this G.O. has been invoked in a number of cases but as misfortune would have it the memorialist alone was removed from service. There has been no other case in the history of the District police of removal for conviction for drunkenness and the memorialist singularly unfortunate to have been sent out of the Department by the imposition of the extreme penalty of removal from service while others whose cases are akin to that of the memorialist have been retained in the Department. He shall presently point out in individual cases, in which retention in the Department has been ordered invoking the provisions in G.O. Ms.No.320 Public Services dated 20-1-1950. The memorialist prays that his case may also be kindly considered on a par with those of others and he may be ordered to be reinstated in service by the benign Governor.

1. P.C.650 K. Thimmayya was convicted and released on probation of good conduct for a period of one year on executing a bond in a sum of Rs.500/- with one surety for

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a like sum under section 502(1) Cr.P.C. by the Additional First Class Magistrate, South Kanara on 20-7-1946 in C.C. No.56/46 - Moodbidri Station Crime No.91/45 under Section 395 I.P.C.

2. P.C.1091 Narayana was convicted and released on probation of good conduct for a period of one year on executing a bond in a sum of Rs.500/- with one surety for a like sum under section 502(1) Cr.P.C. by the Additional First Class Magistrate, South Kanara on 20-7-1946 in C.C. No. 56/46 - Moodbidri Station Crime No.91/45 Section 395 I.P.C.

3. P.C.284 Krishnappa was convicted and sentenced to pay a fine of Rs.30/- by the Stationary Sub-Magistrate, Kasaragod for drunkenness. He was awarded the punishment of reduction for one year.

4. H.C.299 Chandrashekara was convicted to pay a fine of Rs.25/- by the Additional First Class Magistrate (Prohibition) for drunkenness. He was awarded the punishment of postponement of increment for 6 months.

5. H.C.254 Janardhana was convicted and sentenced to pay a fine of Rs.50/- He was reduced to the rank of P.C. for one year.

6. P.C.905 Thimmappa Shetty was convicted to pay a fine of Rs.30/- for drunkenness. He was awarded the punishment of postponement of increment for one year.

7. P.C.806 Kesnava Rao

8. P.C.476 Karunakar Nambiar 9.P.C.1040 Demoji

Departmental action was taken against the said P.Cs. Items 7 to 9 above for drunkenness and the punishments were imposed on them.

10. P.C.902 Ramachandra was dismissed in a departmental

K.S.

action for drunkenness. On appeal to the Deputy Inspector General of Police, Western Range he was reinstated in service by the Deputy Inspector General of Police, Western Range on the ground that even for conviction under the Prohibition Act for the first time, one need not be dismissed. Hence the Deputy Inspector General of Police did not consider it a fit case for dismissal.

In the above few instances, as far as the memorialist is aware dismissal or removal from service were not ordered on the strength of the provisions in G.O.Ms.No.320 dated 20-1-50.

The memorialist therefore prays that his case may also kindly be considered and the distinctive extreme penalty of removal from service set aside and reinstated in service in kind consideration of the facts stated above. After his removal from service the memorialist has been thrown to the streets without any employment or any resources to fall back upon. He has a large family to support and has nothing for their sustenance. He has suffered for more than 4 years without employment and he and his family are in a destitute condition. The sufferings he has already undergone during these years will meet the ends of justice and he prays with folded hands to set aside the exemplary punishment of removal unjustly and harshly on him. He prays that he may kindly be reinstated in service for the reasons stated above.

For which act of clemency the memorialist and his poor family shall ever remain grateful.

Mangalore,
15th August 1956.

Memorialist.

Address:- K. Subbanhi,
C/o U. Achutha,
residing at Vombatkere;
Ullal P.O., Mangalore. (South Kanara).

-7

Punishment Roll.

D.P.O.Current No. 191 PR 52.

Puttur Circle,
Puttur Station
Name: Subbanhi
Date of enlistment 4-3-44.F.N.

Rank: P.C. at Rs.32/8/-
Under suspension since
12-12-51.

Minute.

A. For getting conviction under Sec.4(a) of the Madras Prohibition Act on 5-4-52, for being found in a state of intoxication in a public place on 2-12-51.

B. The delinquent is a constable attached to Puttur Police Station. On 2-12-51 the Prohibition S I. of Uppinangadi found him in a state of intoxication in a public place in Uppinangadi, arrested him and charged him before the Additional First Class Magistrate (Pro) South Kanara (vide Ex.A. the true copy of the report of the incidentby the Pro.S.I. Uppinangadi and Ex.A1 the true copy of the medical certificate and Ex.A2 the true copy of the petty case charge sheet). On 5-4-52 the Magistrate found him the delinquent guilty under Sec.4(A) of the M.P.Act and sentenced him to pay a fine of Rs.55/- and in default to suffer R.I. for one month in CC No.1459/51 dated 5-4-52. (Vide Ex.C the judgment copy). The delinquent paid the fine and did not appeal against the conviction and sentence. (Ex.E the report of the delinquent) and Ex.F (the report of the S.I.of Puttur).

An oral enquiry was held on 1-8-52 and the Inspector of Police, Puttur was examined as Wit.1 and he filed Exs.A: the report of the incident by the S.I.Prohibition. A1 true copy of the medical certificate; A2 the true copy of the petty case charge sheet B the report of the witness of the incident to the D.S.P.S.K. C: the copy of the order of the D.S.P.suspending the delinquent; D the true copy of the judgment convicting and sentencing the delinquent; E. the report of the delinquentstating that he had paid the fine and was not appealing against the judgment and Ex.Fthe covering report of the S.I. and sending Ex.E to the Inspector.

The delinquent did not cross-examine the witness.

C. The delinquent submitted his explanation which is a frank admission. He stated that he took drink and has paid dearly for it in having been under suspension for over six months and having sold all his wife's valuables and had to starve for want of money and that added to these financial worries, were his mental agonies. He stated he was let down by his lawyers in not putting up a strong defence theory and hence there was no point in appealing against the conviction and sentence. He cites G.O.320Ms. to point out that him in simple offences not involving mental turpi and moral turpitude or character there should not be summary punishment by dismissal. Inasmuch as he was dealt with in law another departmental punishment would mean a double punishment. He pleaded mercy.

He did not examine any witnesses on his behalf. He did not wish to examine any documents in his favour. In his further oral representation he said the same thing as he has in his written explanation and added that being ill on the day in question, he took drink on the advice of a friend from him only.

D. The delinquent has admitted the charge against him. He pleads extenuating circumstance of his having been ill and having taken some drink at the suggestion of a friend and from him only. Regarding his situation of G.O.Ms.320 governing punishment where the charge is not one involving of moral turpitude, it is to be said that the act of the delinquent in being a public servant and specially a member of a disciplined force who has to prevent such offences to have himself erred enough to prove that his character involves by his

K. Subbanhi
15/8/52

act one of moral turpitude. Charges are fully proved home and he does not contend it.

Certified that the provisions of P.S.O.90 Vol.1 were complied with.

(Sd) H.A.Kammunjam
1-8-52
Dy.Superintendent of Police.
Puttur.

(True copy)

Public servants convicted for offences under the Madras Prohibition Act - Departmental action - nature of penalty to be imposed - instructions issued.

G.O.Ms.No.320 dated 29-1-50.

In connection with the case of a Government servant who was convicted under the Madras Prohibition Act for being in a state of intoxication the qnention arose whether he should be automatically dismissed from service. Under the civil services (classification control and appeal) rules any of the penalties mentioned in those rules including dismissal from the civil service of the Crown may at present be imposed on a Government servant commited in a criminal court on the basis of the facts which have led to his conviction. Dismissal from service need not automatically follow such a conviction and it is open to the competent authority to decide whether dismissal is really called for in any particular case, having regard to the gravity of the offence.

2. The Government taking a very serious view of breaches of the prohibition law and have decided that in the case of any Government servant who is found guilty by a competent Court of an offence under Sec.4(A), 5 or 7 of the M.P.Act.

(1) The punishment to be awarded in respect of first conviction should be decided on its merits as at present, and

(2) In respect of a second conviction the punishment should be dismissal from service.

By order of His Excellency the Governor

(Sd) K. Ramaanni Menon
Chief Secretarty to Govt.

(True copy)

K. Subbaiah
15/8/56

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G.No.191 PR 52.
Mmm.

Office of the Dt.Superintendent of Police,
South Kanara dated 16-10-1952.

Memo. calling for further representation.

I have carefully studied and examined the P.Roll against you I find the charges proved. I have arrived at a provisional conclusion to inflict the punishment of: Removal from service. for the charges mentioned in the Minute copy enclosed.

A copy of the report of the enquiring officer is sent herewith. You will acknowledge a copy of this memo. and a copy of the report and show cause why the above penalty should not be inflicted upon you. You will submit your further representation within days from the date of the receipt of this memo. Any representations in this behalf submitted by you will be duly taken into consideration before final orders are passed on the punishment roll. If no further representation is received within the stipulated time it will be considered that you have no representation to make and orders on the punishment roll will be disposed of on its own merits. No further extension of time will be granted under any circumstances.

(Sd) O.L.Burrel
22-9-52
Dt.Superintendent of Police,
South Kanara.

By Order. x x x

To
P.C. 147 K. Subbunhi. in duplicate.

K. Subbunhi
15/8/58

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Government of Madras.
Abstract.

Subbunhi K. Ex.Police Constable 147 of South Kanara District Removal from service - petition to Chief Minister for reinstatement Rejected.

Home Department.

G.O.R.No.733 Dated 23rd February 1957
Read the following:-

G.O.R.No. 3822 Home dated 2-11-53
From the Inspector General of Police ROC No.1165 AP 56 dated 17-2-56.

The petitioner should be referred to the orders in G.O.R. No.3822 Home dated 2-11-53.

(By order of the Governor)

Y. Sivarama Menon
Dy. Secretary to Government

To
The Inspector General of,Police, Madras (with enclosures in orgl.)

F.O.C.1624/AP/56

Copy communicated to the petitioner.

Office of the Inspector General of Police, Madras 4.
Dated 6th March 1956.

M.S.Parthasarathi
For Inspector General of Police.

To the petitioner (with enclosures)

Through
The Dt.Superintendent of Police, South Kanara.
Copy to the D.S.P. of S.Kanara.
Copy to the Dy.Inspector General of Police.

Ref: V.No.A3/4259/56

Forwarded to Ex.P.C.147 K. Subbunhi residing at Ullal through B. Inspector.

K. Subbunhi
15/8/56

POC No. 698/A/PR/53

Office of the Inspector General of Police, P.B.No.601, Madras.1. Dated 1st August 1953.

Proceedings:

Sub: Subbunhi K. Ex Constable 147 of South Kanara District Removal from service - petition for reinstatement - Rejected.

Read his petition dated the 19th May 1953.

ORDER:

No second appeal lies in this case under Police Standing order 110(1) Volume (I).

2. There has been no irregularity in procedure.

3. The petitioner quotes G.O.Ms.No.380 Public)Services) dated 20th January 1950 and states that according to that Govt. order he need not have been dismissed for the first offence under the prohibition Act. The Government order referred to states that dismissal from the service need not automatically follow such a conviction and that it was open to the competent authority to decide whether dismissal was really called for in the particular case or not. In this case the Dt.Superintendent of Police had examined the merits of the case and found it necessary to remove him from service. So there has been nothing in the order against the spirit of the G.O.

4. The order is correct and I decline to interfere.

(Sd) J. Devanahayam

Inspector General of Police.

To

The petitioner (with enclosures) throughthe D.S.P. ofS.K.

Copy to the D.S.P. of S.K. with correspondence resting with his endorsement PR/191/52 dated 20th July 1953.

Copy to D.I.G.Coimbatore.

K. Subbu
15-8-53

VI

Proceedings of the Dy.Inspector General of Police, Western Range Coimbatore.

O.L.Burral Esq. O.B.E.,I.P.

C.No. 91/Appeal/53 dated 4th March 1953.

Sub: Appeal of Ex.P.C.147 K.Subbunhi of South Kanara Dt. against the removal from service ordered by the Dt. Superintendent of Police, South Kanara.

Read: Copy of Minute No.191/PR/52 dated 10-12-52 of the Dt.Superintendent of Police, South Kanara.

O R D E R:

The P.C.was convicted and sentenced under the Prohibition Act. He has been correctly removed from service.

The appeal is rejected.

(Sd) x x x x

Dy. Inspector General of Police,

Western Range.

To

The appellant through the D.S.P. of S.Kanara.

Copy to the D.S.P. of S.Kanara.

Forwarded

(Sd) V.Ramiah
8-3-53 D.S.P.

(True copy)

K. Subbunhi
15/8/56

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Abstract.

Subbanhi K. constable 147 of South Kanara District - Removal from service - petition to Government for reinstatement rejected.

G.O.R.No.3822 Home Department. Dated 2nd November 53

Read the following:-

From the Inspector General of Police R.C.No.1040/A/PR/53 dated 12-10-1953.

O r d e r:-

The petitioner should be informed that the Government decline to interfere.

(By order of the Governor of Madras)

T.N.S.Raghavan

Secretary to Government, Madras.

To

The Inspector General of Police, Madras.

4 copies with encl. in original.

Forwarded by order.

(Sd) x x x

Superintendent.

Forwarded.

(Sd) V. Ramiah

8-4-54 D.S.P.

K. Subramani
15/8/56

Cov 10306 (Fin) 56 80/79

Pl 2556

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6/9.

M. 1-64

CENTRAL [illegible] BRANCH BRANCH

Ver/

P

E

Do

Dte Dy. S. Police, Madras

[Rn S] 10/66

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Home Dept

Memo 10306 Pol II/56-1 dated 6.9.56

Subbaraki - Sapai 147 of Sarki Kanar

Do — Removal from service. Petition to Governor for reinstatement

Ref Memo Sri Subbaraki petition dated 15/8/56

(Secl. Chri to Dist S. Kanara)

The Dy. S. Police is requested to forward the petition cited with his remarks thereon urgently

SP 6/9/56

SB 6/9/56

6/9/56

From
Sri V.R.Rajaratnam, B.A.,I.P.,
Inspr.-Genl.of Police,
M a d r a s - 4.

To
The Dy. Secretary to the
Government of Madras,
Home Department.

R.C.No.6890/AP/56, dated 15-9-1956.

Sir,

Sub: Subbunhi - Ex.Police Constable 147 of South Kanara District - Removal from service - Petition to Governor for reinstatement.

Ref: Memorandum No.103040 Police.II/56-1, Home, dated 6-9-1956.

The petition from the Ex.Police Constable addressed to the Governor of Madras has been received in my office. I have called for the Punishment Roll file and the connected records relating the removal of the petitioner from service with a view to examine certain procedural irregularities. I shall forward the petition together with my remarks to Government as soon as the Punishment Roll file is received from the District Superintendent of Police, South Kanara.

for Inspr.- Genl. of Police.

SKD 189

R.C.No.6890/AP/56

Sub:-Subbunhi - Ex-Police Constable 144 of South Kanara District - Removal from service - Memorial to the Governor of Madras for re-instatement.

U 4520

Forwarded with copies of the orders petitioned against together with a copy of the defaulter-sheet of the petitioner.

2.A copy of the remarks of the District Superintendent of Police, South Kanara in his endorsement R.C.No.A3.15319/56 dated 30-8-56 is enclosed.

3.It is reported by the District Superintendent of Police, South Kanara that no personal file was maintained for the petitioner.

4. The Punishment Roll file No.191/52 pertaining to the removal of the petitioner from service is sent herewith for reference and return.

ASST. SECRETARY TO GOVERNMENT 2 OCT 1958 HOME DEPARTMENT

Office of the
Inspr.-Genl.of Police,
P.B.601, Madras-4,
Dated 29th September 1956.

for Inspr.-Genl.of Police.

To The Secretary to the Government of Madras, Home Department.

ns.1/10.

Encl:- 1 P.R. file.

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Endt. R.C. No.A3/15319/56, dt 30-8-56 from the D.S.P., South Kanara.

Forwarded to the Inspr.-Genl. of Police, Madras through the Dy. Inspr.-Genl. of Police, Western Range, Coimbatore.

2) I offer the following parawar remarks on the memorial.

The Memorialist was a constable attached to Uppinangady Out Post in Puttur station limits in South Kanara District. He was removed from service from 12-12-1951 by the Dt. Supdt. of Police, South Kanara in P.R. 12 /52 dated dated 10-12-52 for getting convicted under sec. 4 (a) of the Madras Prohibition Act on 5-4-52, for being found in a state of intoxication in a public place on 2-12-51. His appeal petition to the Dy. Inspr.-Genl. of Police, Western Range was rejected in proceedings C.No.91/Appeal/53 d//4-3-53 of the Dy. Inspr.-Genl. of Police, Western Range, Coimbatore. His memorial to the Inspr.-Genl. of Police, Madras was dismissed in proceedings F.O.C. No.698-A/PR/53 dated 1-8-53. His two memorials to Government were disposed of in G.O. R. No.3822 Home Dept. d/-2-11-53 and G.O.R. No.733, Home d/-23-2-56. This is the third memorial to the Government against the orders of removal from service.

Para 1:- No remarks.

Para 2:- The Submissions in this para are correct.

Para 3:- No remarks.

Para 3 (a):- It is true that the P. Roll against the Memorialist came up for disposal while the Dy. Inspr.-Genl. ofPolice, Western Range, Coimbatore was holding additional charge of this district. The conclusion arrived at by the Dy. Inspr.-Genl. of Police, i/c of South Kanara district as to the punishment to be inflicted was only provisional and not final. The final order in the Punishment Roll was passed by the Dt. Supdt. of Police after taking into consideration of facts of the case and evidence on record and representation made by the Memorialist. The contention of the Memorialist that the provisional conclusion had prejudiced the proper disposalof the appeal petition by the Appellant authority is baseless.

Para 3(b):- The omissions pointed out in this para did not vitiate the proceedings in the case. The prescribed procedure was correctly followed by the authorities concerned, but only the certificate was omitted to be furnished.

Para 3 (c):- The allegations in this para are baseless.

Para 4:- The orders quoted by the Memorialist do not actually operate as a bar for ordering his removal from service for the offence of getting himself convicted under Prohibition Act. After considering the merits of the case against him, the Memorialist was correctly punished. The particulars furnished by the Memorialist in this para regarding the nature of punishments awarded to 10 P.Cs. and H.Cs. who committed offences under prohibition Act, are correct.

Para 5:- No remarks.

Para 6:- No remarks.

3) The Memorialist is aged 34 years. His date of birth is 26-3-1922. He was enlisted on 4-3-44 and had put in a service of over 7 years in the department.

12-12-51

/True copy/

for Inspr.-Genl. of Police.

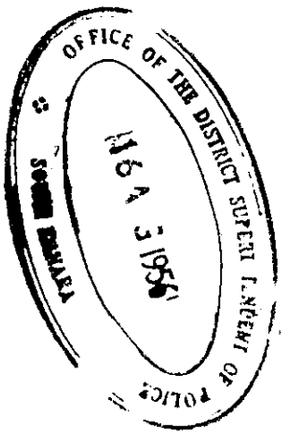
pv/29.9

Same as Rp 1 & anx 15319/AB3/56 9-1

To

His Excellency the Governor of Madras,

Madras.



Humble Memorial for reinstatement in service submitted by Ex.P.C.No.147 K. Subbunhi of South Kanara District Executive Police Force.

Respectfully submitted through

The Proper Channel.

May it please Your Excellency,

The Memorialist abovenamed begs to state as follows:-

1) The memorialist was enlisted as a police constable in the South Kanara district Executive Police Force on 4-3-1944 and he had put in a service of about 8 years on the date of removal from service. The memorialist was ordered to be removed from service by the District Superintendent of Police, South Kanara in P.R.No.191/52 dated 10-12-1952 for conviction under Section 4-A of the Madras Prohibition Act on 5-4-1952 for beingfound in a state of intoxication in a public place on 2-11-1951. The memorialist submitted an appeal to the Deputy Inspector General of Police, against the order of the District Superintendent of Police which was rejected in proceedings C.No.91/Appeal/53 dated 4-3-1953. He submitted a Memorial to the Inspector General of Police, Madras which was also rejected in his proceedings F.O.C.No. 698-A/PR53 dated 1-8-1953. His Memorials to the Government and to the Chief Minister were rejected in G.O.R. No. 3822 Home 2-11-1953 and G.O.R.No. 733 Home dated 23-2-56 respectively. Against these orders the memorialist submits this memorial on the following among other grounds:

K. Subbunhi
15/8/56

2) The facts of the case are briefly as follows:-

The Memorialist was working in Uppinangadi Out-Post of Puttur Police Station. On 2-12-1951 the Prohibition Sub-Inspector, Uppinangadi found the memorialist in a state of intoxication in a public place, arrested him and charged him before the Additional First Class Magistrate (Prohibition), South Kanara. On 5-4-1952 the memorialist was found guilty and sentenced him to pay a fine of Rs.55/- in C.C.No. 1459/51. The said fine was paid by the Memorialist. He did not prefer an appeal against the said conviction to the Higher Courts for want of necessary funds in his straitened circumstances.

3) The cause of action for removal from service arose on the above conviction and sentence to pay a fine by the Additional First Class Magistrate. The memorialist was given a charge for dismissal or removal from service by the Deputy Superintendent of Police, Puttur Sub-Division. An oral enquiry was held by the Deputy Superintendent of Police and the Memorialist admitted the offence and a Minute holding the charge proved was submitted to the District Superintendent of Police, South Kanara. In Memo. C.No.191/PR/52 dated 10-10-1952 the Memorialist was called on to submit a further representation against removal from service by the ~~by the~~ Deputy Inspector General of Police, Western Range in charge of South Kanara District. The memorialist submitted his further representation to the Dt.Superintendent of Police and orders of removal from service were passed by the Dt.Superintendent of Police, South Kanara in P.R.No. 191/52 dated 10-12-1952. The memorialist submitted his appeal petition to the Deputy Inspector General of Police, Western Range against the orders of the District Superintendent of Police, South Kanara and it was rejected in his proceedings No.C.91/Appeal/53 dated 4-3-1953 A careful scrutiny of the punishment Roll file and the file relating to the appeal petition of the memorialist the

following irregularities are noticeable.

3 (a) The further representation against removal from service was called on by the Deputy Inspector General of Police, Western Range. From a reading of this Memorandum it is evident the Deputy Inspector General of Police (Appellate Authority) arrived at a provisional conclusion to inflict the punishment of the removal from service.only the authority competent to inflict the punishment i.e. District Superintendent of Police, South Kanara should have arrived at a provisional conclusion to inflict the punishment. The Deputy Inspector General of Police, Western Range who is an appellate authority should not have expressed his candid opinion as to the punishment to be inflicted. This irregularity, the memorialist humbly submits has prejudiced the proper disposal of the appeal petition by the self same authority who had already prejudged the issue by arriving at a provisional conclusion to inflict the punishment of removal from service in his Memo. P.No.191/PR/52 dated 16-10-1952 (attached).

3 (b) The District Superintendent of Police, South Kanara in ordering the punishment of removal from service not bestowed proper attention to appreciate the points raised in the further representation of the Memorialist and no mention is made of the points deserving consideration or otherwise in para 'E' of the Minute. It is also not been certified in para 'E' of the minute that the procedure laid down in Rule 3(b) of the Madras Police Subordinate service (Discipline and Appeal Rules) was correctly followed in this case. P.S.O.90 and the instructions thereunder are clear that such a certificate should be appended to the Minute by the competent authority.

(c) The Deputy Inspector General, Western Range who had

K. Subbaiah

already prejudged the issue by arriving at a provisional conclusion to inflict the punishment of removal had not appreciated the points raised in the appeal petition by the memorialist. In his proceedings C.No.91253 dated 4-3-1953 he had rejected the appeal with the observation "The P.C. was convicted and sentenced under the Prohibition Act, He has been correctly removed from service".

4. The Memorialist had repeatedly pointed out to the authorities concerned the provisions in G.O.Ms.320 Public Services dated 20-1-1950 that the first offence of drunkenness under the Prohibition Act a Government servant need not be necessarily be dismissed. However discretion is vested on the competent authority to consider the merits of each case and decide whether dismissal or lesser punishment should follow such a conviction. The memorialist humbly submits that provisions of this G.O. has been invoked in a number of cases but as misfortune would have it the memorialist alone was removed from service. There has been no other case in the history of the District police of removal for conviction for drunkenness and the memorialist singularly unfortunate to have been sent out of the Department by the imposition of the extreme penalty of removal from service while others whose cases are akin to that of the memorialist have been retained in the Department. He shall presently point out in individual cases in which retention in the Department has been ordered invoking the provisions in G.O. Ms.No.320 Public Services dated 20-1-1950. The memorialist prays that his case may also be kindly considered on a par with those of others and he may be ordered to be reinstated in service by the benign Governor.

1. P.C.650 K. Thimmayya was convicted and released on probation of good conduct for a period of one year on executing a bond in a sum of Rs.500/- with one surety for

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a like sum under section 502(1) Cr.P.C. by the Additional First Class Magistrate, South Kanara on 20-7-1946 in C.C. No.56/46 - Moodbidri Station Crime No.91/45 under Section 395 I.P.C.

2. P.C.1091 Narayana was convicted and released on probation of good conduct for a period of one year on executing a bond in a sum of Rs.500/- with one sueraty for a like sum under section 502(1) Cr.P.C. by the Additional First Class Magistrate, South Kanara on 20-7-1946 in C.C. No. 56/46 - Moodbidri Station Crime No.91/45 Section 395 I.P.C.

3. P.C.284 Krishnappa was convicted and sentenced to pay a fine of Rs.30/- by the Stationary Sub-Magistrate, Kasaragod for drunkenness. He was awarded the punishment of reduction for one year.

4. H.C.299 Chandrashekara was convicted to pay a fine of Rs.25/- by the Additional First Class Magistrate (Prohibition) for drunkenness. He was awarded the punishment of postponement of increment for 6 months.

5. H.C.254 Janardhana was convicted and sentenced to pay a fine of Rs.50/-. He was reduced to the rank of P.C. for one year.

6. P.C.905 Thimmappa Shetty was convicted to pay a fine of Rs.40/- for drunkenness. He was awarded the punishment of postponement of increment for one year.

7. P.C.806 Keshava Rao

8. P.C.476 Karunakar Nambiar 9.P.C.1040 Dewoji

Departmental action was taken against the said P.Cs. Items 7 to 9 above for drunkenness and the punishments were imposed on them.

10. P.C.902 Ramachandra was dismissed in a departmental

K. Subbaiah

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action for drunkenness. On appeal to the Deputy Inspector General of Police, Western Range he was reinstated in service by the Deputy Inspector General of Police, Western Range on the ground that even for conviction under the Prohibition Act for the first time, one need not be dismissed. Hence the Deputy Inspector General of Police did not consider it a fit case for dismissal.

5) In the above few instances as far as the memorialist is aware dismissal or removal from service were not ordered on the strength of the provisions in G.O.Ms.No.320 dated 20-1-50.

6) The memorialist therefore pleads that his case may also kindly be considered and the distinctive extreme penalty of removal from service set aside and reinstated in service in kind consideration of the facts stated above. After his removal from service the memorialist has been thrown to the streets without any employment or any resources to fall back upon. He has a large family to support and has nothing for their sustenance. He has suffered for more than 4 years without employment and he and his family are in a destitute condition. The sufferings he has already undergone during these years will meet the ends of justice and he prays with folded hands to set aside the exemplary punishment of removal unjustly and harshly imposed on him. He prays that he may kindly be reinstated in service for the reasons stated above.

For which act of clemency the memorialist and his poor family shall ever remain grateful.

K. Subbunhi
Memorialist. 15/8/56

Mangalore,
15th August 1956.

Address:- K. Subbunhi,
C/o U. Achutha,
residing at Vombatkere,
Ullal P.O., Mangalore. (South Kanara).

Punishment roll.

D.F.O. Current no. 191 c.f. of 52. Puttur Circle.
Puttur Station.

Sink.f.c. at Rs.32/8. Re.147. Name. Subburbi.
Under suspension since 12.12.51. Date of enlistment:-4-3-44F.n.

Minute.

For getting convicted under sec. 4 (a) of the Madras Prohibition Act on 5-4-52, for being found in a state of intoxication in a public place on 2-12-

B..I.C. delqt. is a constable attached to Puttur Police station. On 2-12-51, [illegible] found him in a state of intoxication, in a public place at Uppinangady, arrested him and charged him before the [illegible] Magistrate (Re.) South Kanara. (vide Ex.-A. the true copy of the report of the incident by the Pro...t. Uppinangady and Ex.A1 - the true copy of the Medical certificate and Ex.A2: the true copy of the petty case charge sheet, on 5-4-52, the Magistrate found the delqt. guilty under sec. 4 (a) of the M.P. Act and sentenced him to pay a fine of Rs.55/- and in default to suffer R.I. for 1 month, in P.C. 1459/51 dated 5-4-52. (vide Ex.-B. the Judgment copy.) The delqt. paid the fine and did not appeal against the conviction and sentence. (Ex.C. the report of the delqt.) and Ex.F. (the report of the S.I. of Puttur.)

An oral inquiry was held on 1-8-52 and the Inspr. of Police, Puttur was examined as Wit.1 and has filed Exs.A: the report of the incident by the A.R. Prohibition; A1-true copy of the medical certificate; A2: the true copy of the petty case charge sheet; B: the report of the witness, of the incident to the P...e.K, C; the copy of the order of the S.I.... suspending the delqt; D: the true copy of the Judgment convicting and sentencing the delqt; E: the report of the delqt. stating that he had paid the fine and was not appealing against the Judgment and ~~with~~ the covering report of the S.I. in sending Ex: A to the Inspr;

The delqt. did not cross examine the witness.

C. The delqt. submitted his explanation which is a frank admission. He stated that he took drink and has paid dearly for it in having been under suspension for over six months and having sold all his wife's valuables and had to starve for want of money and that added to these financial worries, were his mental agonies. He stated that he was let down by his lawyers in not putting up a strong defence theory and hence there was no point in appealing against the conviction and sentence. He cites G.O. 320/Rs. to point out that in simple offences not involving moral turpitude or character there should not be a summary punishment by a dismissal. In as much as he was dealt with in law another departmental punishment would mean a double punishment. He pleaded mercy.

He did not examine any witnesses on his behalf. He did not wish to examine any documents in his favour. In his further oral representation he said the same thing as he has in his written explanation and added that being ill on the day in question, he took drink on the advice of a friend from him only.

D. The delqt. has admitted the charge against him. He pleads extenuating circumstance of his having been ill and having taken some drink at the suggestion of a friend and from him only. Regarding his citation of G.O. 320 governing punishments where the charge is not one involving of moral turpitude, it is to be said that the act of the delqt., as a public servant and especially a member of a disciplined force who has to prevent such offences to have himself erred is enough to prove that his character involved by his act was one of moral turpitude. The charges are fully proved home and he does not contend it.

Certified that the provisions of ... .90 of 1.1. were complied with
.../-Jr. . ...anujam.1/8/52.
...dqt.of Place, Utt r.

27/8

E. Order:- The delqt. is removed from service from the date of suspension after considering his further representation.

(Sd/-)N. Ramaiah Pillai.10/12
Dt.Supdt. of Police,SK.

/True copy/

Dt. Supdt. of Police,SK.

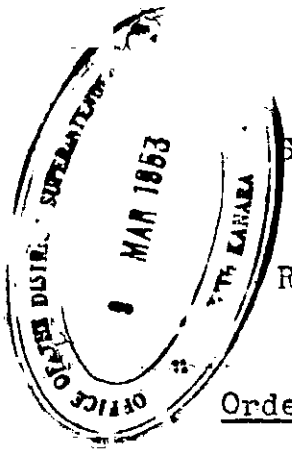
Mangalore,
18.12.52.

MKP/18/12.

Proceedings of the Dy. Inspr.-Genl. of Police, Western Range. Coimbatore.

O. L. Burrell, Esq., O.B.E., I.P.

C.No.91/Appeal/53, dated 4th March, 1953.



Sub: Appeal of Ex.P.C.147 K.Subbunhi of South Kanara Dt. against his removal from service ordered by the Dt. Supdt. of Police, South Kanara.

Read: Copy of minute No.191/PR/52, dated 10-12-52 of the Dt. Supdt. of Police, South Kanara.

Order:

The P.C. was convicted and sentenced under the Prohibition Act. He has been correctly removed from service.

2. The appeal is rejected.

Dy. Inspr.-Genl. of Police,
Western Range.

To
The appellant, thro. the Dt. Supdt. of Police, South Kanara.
Copy to the Dt. Supdt. of Police, South Kanara.

Forwarded

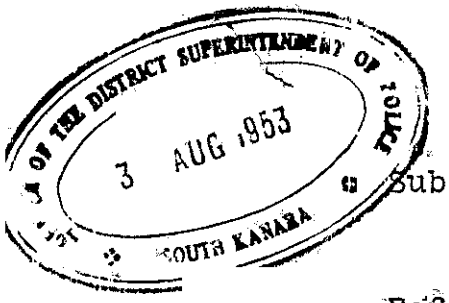
V.K. Ramaiah
P.S.
DSP

I.C. 8.53

39
(H)

Foc.No.698-A/PR/53

Office of the
Inspr.-Genl.of Police,
P.B.No. 601, Madras -4
Dated the 1st August 53.



PROCEEDINGS.

Sub: Subbunhi, K. - Ex Constable 147 of South Kanara District - Removal from service - Petition for reinstatement - Rejected.

Read: His petition dated the 19th May 1953.

ORDER:

No second appeal lies in this case under Police Standing Order 110(1), Volume (I).

2. There has been no irregularity in procedure.

3. The petitioner quotes G.O.Ms.No.320, Public (Services), dated 20th January 1950 and states that according to that Government Order, he need not have been dismissed, for the first offence under the Prohibition Act. The Government Order referred to states that dismissal from the service need not automatically follow such a conviction and that it was open to the competent authority to decide whether dismissal was really called for in the particular case or no In this case the District Superintendent of Police had examined the merits of the case and found it necessary to remove him from service So, there has been nothing in the order against the spirit of the Government Order.

4. The order is correct and I decline to interfere.

T.=Devasahayam,
Inspector-General of Police.

To the petitioner (with enclosures) through the
District Superintendent of Police, South Kanara.
Copy to: The Dist.Supdt.of Police, South Kanara, with reference

to correspondence resting with his endorsement No.PR.191/52 dated 20th July 1953.

Copy to: The Dy.Inspr.-Genl. of Police, Western Range, with reference to his endorsement C.No.332/Appeal/53 dated 13th July 1953.

/True copy forwarded-By Order/

S.P. 1/8

Superintendent

L.31.

Reno 191/52

Forwarded 5 Ex Pc 147 & Submitted Jkno 65

Sl. Bd

Please hand over the Records & Order in K.C. 191/52 to HC 147 under acknowledgement & report Compliance

P.C. 815 for service

B. Rutha 8/8

8/8/53

S/8

Dy Sp Ia Sec

8/8/53

4/42

Abstract

SUBBUNHI, K. Ex- constable 147 of South Kanara district--Removal from service--Petition to Government for reinstatement--Rejected.

HOME DEPARTMENT

G.O.R.No.3822 Dated 2nd November '53.
Read the following :-

From the Inspector General of Police
R.c.No.1040-A/PR/53 dated 12-10-53.

O R D E R :-

The petitioner should be informed that the Government decline to interfere.

(BY ORDER OF THE GOVERNOR OF MADRAS)

T.N.S.Raghavan
SECRETARY TO GOVERNMENT

To The Inspector General of Police, Madras.
(4 copies with encl in orgl)

(Forwarded/By Order)

SUPERINTENDENT

R-3/11

A3-4259-56

GOVERNMENT OF MADRAS
ABSTRACT
***

Subbunhi, K - Ex. Police Constable 147 of South Kanara District - Removal from service - Petition to Chief Minister for reinstatement - Rejected.
v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v

HOME DEPARTMENT

G.O. R. No.733 Dated 23rd February 1957 1956
Read the following:

G.O. R.No.3822, Home dated 2-11-53.
From the Inspector General of Police, Foc.No.1165 AP.56 dated 17-2-56.

OFFICE OF THE DISTRICT SUPERINTENDENT OF POLICE
9-MAR 1956
SOUTH KANARA

The petitioner should be referred to the orders in G.O.R.No.3822, Home dated 2-11-1953.

(By Order of the Governor)

V. Sivarama Menon,
Deputy Secretary to Government.

To
The Inspector-General of Police, Madras (with enclosure in orgl)

FOC. 1644/AP/56

Copy communicated to the petitioner

Office of the
Inspr.-Genl. of Police,
P.B.NO.601. Madras--4,
Dated 6th March 1956.

...S. Parthasarathi,
for Inspr.-Genl. of Police.

To
The Petitioner (with encls.)
Through the District Superintendent of Police, South Kanara
Copy to the District Superintendent of Police, South Kanara.
Copy to the Deputy Inspector General of Police, Western Range.

True copy/Forwarded/By order

R. Neogarajan 5.3.56
Superintendent.

pv/5.3
6ns 5.3

Ref. A3-4259-56

Forwarded to Ex.P.C 147 K. Subbunhi residing at Ullal via Bantwal

8/2

14/3 14/3

S.I. BA 60 Reminder

Constable

1513/16

12/3

Hc 60

In service

Ch 21/3/16

Sir

I made arrangements with the Ex PC 1147 K. Subbunni with Narayana Belchada on 2 days leave from he had gone to Kundapur Village to his relations room and also leave that he will return with in a week

Reel 29/3 Ch. 29/3

Yours ..... 29/3/16 HC.

Hc. 60

In service accompanied customs a week

Ch 29/3/16

POLICE CIRCLE OFFICE, PUTTUR
27 OCT 1952

C. No. 191 /P.R./1952

Mdc-lico-B-302—84,556—20-7-51.

OFFICE OF THE
DISTRICT SUPERINTENDENT OF POLICE.

South Kanara, Dated 16-10 1952

MEMO. CALLING FOR FURTHER REPRESENTATIONS.

I have carefully studied and examined the P. Roll against you I find the charges proved.

I have arrived at a provisional conclusion to inflict the punishment of removal from the service

for the charges mentioned in the minute. Copy enclosed

A copy of the report of the enquiring officer (in duplicate) is sent herewith. You will acknowledge a copy of this memo. and a copy of the report and show cause why the above penalty should not be inflicted upon you. You will submit your further representation within days from the date of receipt of the memo. Any representation in this behalf, submitted by you, will be duly taken into consideration before final orders are passed on the punishment roll. If no further representation is received within the stipulated time it will be considered that you have no representation to make and orders on the punishment roll will be disposed of on its own merits. No further extension of time will be granted under any circumstances.

Sd/ O. L. Burrell 22.9.5
Dy. Inspector General of Police
(By order) waive South Kanara

Officer Superintendent of Police.

16/10/52 Police Office South Kanara

To PS/167 Subbaraidu

(in duplicate) through the Inspector of Police, Circle, who will please serve one copy of this memo. and one copy of the minute (enquiring officer's report) on the delinquent and return the other copy with the acknowledgment of the delinquent to District Police Office. immediately.

Needs the representation of PC 147 to DOH
re PR 1211/6

5/11/82

Public servants convicted for offences under the Madras Prohibition Act - Departmental action - nature of penalty to be imposed - instructions issued.

G.O.Ms.No.320 dated 29-1-50.

In connection with the case of a Government servant who was convicted under the Madras Prohibition Act for being in a state of intoxication the question arose whether he should be automatically dismissed from service. Under the civil services (classification control and appeal) rules any of the penalties mentioned in those rules including dismissal from the civil service of the Crown may at present be imposed on a Government servant commited in a criminal court on the basis of the facts which have led to his conviction. Dismissal from service need not automatically follow such a conviction and it is open to the competent authority to decide whether dismissal is really called for in any particular case, having regard to the gravity of the offence.

2. The Government taking a very serious view of breaches of the prohibition law and have decided that in the case of any Government servant who is found guilty by a competent Court of an offence under Sec.4(A), 5 or 7 of the M.P.Act.

(1) The punishment to be awarded in respect of first conviction should be decided on its merits as at present, and

(2) In respect of a second conviction the punishment should be dismissal from service.

By order of His Excellency the Governor

(Sd) K. Ramaunni Menon
Chief Secretarty to Govt.

(True copy)

Date of Appointment 4.3.1944

Name Sri K. Subbaiah Rank PC 147 of South Kanara Dt.

(a) In the case of the Police Department, the earning and forfeiture of good conduct stripes and the award of increments should be entered in red ink across the sheet. C.F. 211—1,200 Bks.—5-2-36 (5)

No.	Reference to papers or other documents.	Nature of offence. (a)	Date when committed.	Punishment. Black mark.	Punishment. Others.	By whom ordered.	Date and order or signature of the head of the office.	Remarks.
(i)		Reprehensible conduct evidenced by his assaulting and harassing one Kopse Beary a news paper boy at Puttur and reporting nuisance case against him on 6.3.51 on his refusal to give news paper for free reading	6.3.51	B M deferred for 6 months		Dy. S.P (u) Puttur	PR 127/51 3.7.51	
(ii)		Disobedience of orders issued in his note book on 6.7.51 by H.C. 60 Laxmana directing him to produce his kit before the S.I. for quarterly kit inspection on 7.7.51 at the ~~ground guard~~ Guards room in the Puttur Sub Jail guards	7.7.51	B M from the date of order		Dy. S.P (u)	PR 156/51 28.8.51	

iii)	For getting convicted under Section 4(a) of the Madras prohibition Act on 5-4-52 for being found in a State of intoxication in a public Place on 2-12-51	2-12-51	Removed from the Service from the date of Suspension (ie 12-12-51)	D.S.P SK	PR 191/52 10-12-52

/ True Copy /

Dy Supdt of police
South Kanara
23.9.53

Part II

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Put up memorandum
of K. Subramani
P.C 147 of S. Kannan

12/10

(C.No.103040 Pol.II/56)

HOME DEPARTMENT

G.O.Ms.No. 2915 dated 19.10.56

Subbunhi,K - Ex P.C.147 of South Kanara Dt. Removal from service - Petition to Governor fo reinstatement-~~inka~~ Modification of punishment into one of reduction by two stages for two years - Ordered.

Read: (1) G.O.R 733, Home d. 23.2.56
From the I.G. of Police Rc.No.6890/AP/56, dated 29.9.56.

O R D E R

Having regard to all the circumstances of the case, the Govt. consider that the punishment of ~~dismissal~~ removal imposed upon the petitioner is rather severe and that a lighter punishment would meet the ends of justice in this case. In modification of the orders in G.O.R.No.733, Home, dated 23-2-56, the Govt. direct that Subbunhi, ex P.C.147 of South Kanara Dt. be reinstated in service and that his pay be reduced by two stages for a period of two years.

2. The reduction ordered in para 1 above will not have ~~the~~ effect on future increments. The period of ~~2~~ two years will, however, be exclusive of any interval spent on leave.

3. The period of absence of the Police Constable from the date of ~~dismissal~~ removal to the date of his reinstatement in service should be treated as leave, including extraordinary leave, to which he was eligible at the time of ~~dismissal~~ removal from service.

To The I.G. of Police, Madras-(with records at (D).
Copy to the A.G., Madras.
Copy to the D.S.P. South Kanara.

(C.No. 103040 · Pol.II/56)

HOME DEPARTMENT

SUBBUNHI, K . Ex. Constable 147 of South Kanara District - Removal from service - Petition to Governor for reinstatement.

From the I.G. of Police, R.C.No.6890 AP/56,dated 29.9.56.

K.Subbunhi, ex-Police Constable No.147 of South Kanara District was removed from service on the charge "for getting convicted under Sec.4(a) of the Madras Prohibition Act on 5-4-52. for being found in a state of intoxication in a public place on 2-12-51". He has requested that he may be reinstated in service.

2. The facts of the case are as follows:--

The delinquent was a constable attached to Puttur Police station. On 2-12-51, the Prohibition S.I. of Uppinangady found him in a state of intoxication, in a public place at Uppinangady, arrested him and charged him before the Addl. First Class Magistrate(Pro.) South Kanara. On 5-45-52, the Magistrate found the delinquent guilty under Sec.4(a) of the M.P.Act and sentenced him to pay a fine of Rs.55/- in default to suffer R.I. for 1 month, in CC.1459/51 dated 5-4-52. The delinquent paid the fine and did not appeal against the conviction and sentence.

An oral enquiry was held and the enquiring officer held the charge to have been fully proved. The ex P.C. did not plead against it. After examining the further representation of the petitioner, the D.S.P., removed the petitioner from service The petitioner's appeal to the D.I.G. and further petition to the I.G. were rejected in the proceedings. His petitions to the Govt. were rejected in G.O.R.No.3822, Home, dated 2-11-53 and G.O.R. No.753. Home. dated 23-2-1956.

3. According to G.O.Ms.No.320, Public(Ser.) dated 20-1-50, if any Govt. Servant who is found guilty by a competent court of an offence under Section 4, 4A, 5 or 7 of the Prohibition Act, the punishment to be awarded in respect of first conviction should be decided on its merits, and in respect of a

(P.T.O)

second conviction-the punishment should be dismissal from service.

4. In the present petition addressed to the Governor, the petitioner has stated that Police Constables who were convicted for similar offences were let off with a lighter punishments than that awarded to him and has therefore pleaded that his case may also be viewed sympathetically and that he may be reinstated in service. The D.S.P. in his order removing the petitioner from service has not stated the reasons for awarding the extreme punishment of removal from service. Presumably the D.S.P. ordered the removal of the memorialist as the D.I.G. of Police, Western Range who was holding additional charge of the post of D.S.P., South Kanara had called for further representation from the memorialist for removal from service.

5. It may be mentioned in this connection that one Muthusamy, ex P.C.681 of Salem District was convicted under Sec.4(1)(j) of the Madras Prohibition Act and was dismissed from service for the above conviction. He was lowered reinstated in service with a reduction in pay by one stage for a period of two years, on a memorial addressed to the Governor
/Attention is also invited to the 5 cases referred to in para 5 on p.2 n.f. of (A).

6. The petitioner is aged 34 years and had put in a service of 7 years and * months at the time of removal from service. The petitioner was awarded two Black Marks prior to his removal from service dismissal in 1952. The present petition addressed to the Governor has been submitted through proper channel and in time. The petitioner has exhausted all the available remedies under the rules before putting the present petition. There is no need to consult the Madras Public Service Commission as the Madras Police Subordinate Service is excluded from their purview.

The case may be circulated to C.M. for orders under Secretariat instruction 91.

SJ 4/10/56
JB 5/10/56

The D.S.P South Kanara has stated that the particulars given by the

memorialist in respect of his memorial regarding the nature of punishment awarded to 10 PCs & HC for offences under the Prohibition Act, are correct this means that for similar offences, other police subordinates serving in Salt Kanara at present dealt with leniently. In view of this, and in view of the precedent in G.O. Ms No 904 Home d 18.1.56 the petitioner may be reinstated in Service but reduced in the time scale of pay by two stages for a period of two years

PBS Reddy
5-10-56

Jt Secy (Rajamahendra) DS/S
7/10/56

ASST. SECRETARY TO GOVERNMENT
18 OCT 1956
HOME DEPARTMENT

G.O. Cl. 8
x

Please see the orders in circulation above the period of absence from the date of removal to the date of reinstatement in Service may be treated as eligible leave as was done in a similar case at (A). The draft order provides further it does not appear necessary for Revenue to see the draft order as in the precedent at (A) which was accepted by Revenue. Revenue order as to issue

Issue
PBS
19.10.56

SD
18/19/10/56
19/X/56